

## Report of the Head of Planning, Sport and Green Spaces

**Address** UNIT 5, LOMBARDY RETAIL PARK COLDHARBOUR LANE HAYES

**Development:** Installation of mezzanine within existing retail unit with ancillary customer cafe.

**LBH Ref Nos:** 63098/APP/2014/3081

**Drawing Nos:** 0500\_Rev  
0501\_Rev  
0502\_Rev  
0503\_Rev  
0503\_Rev  
0516\_Rev  
0518\_Rev  
0519\_Rev  
Energy and Sustainability Statement  
Planning Statement  
Cover Letter with Application  
Location Plan  
Transport Statement  
0517\_Rev. A  
0515\_Rev. A

**Date Plans Received:** 27/08/2014      **Date(s) of Amendment(s):** 04/11/2014  
**Date Application Valid:** 18/09/2014      27/08/2014

### 1. SUMMARY

Planning permission is sought for the installation of a mezzanine sales area to an existing vacant retail unit (Unit 5), formally occupied by Kiddicare, at the Lombardy Retail Park. An application (ref: 63098/APP/2014/3080) for the sub division of the existing retail unit 5 into units 5b and 5c has been submitted separately and has recently been approved. The mezzanine floor subject to this application will add an additional 2,415.5 sq m GIA in floor space to the newly created Unit 5c.

Unit 5c is to accommodate a Next store, relocated and amalgamated from existing Next stores at Unit 3 Lombardy Retail Park and Hayes Bridge Retail Park.

The application is supported by a detailed planning statement which concludes that the additional floorspace would will qualitatively improve the retail offer in the town centre and will generate substantial planning benefits in the form of approximately 36 new jobs.

The retail unit is located within a designated Town Centre and would meet national, regional and local policy on the location of new retail facilities. Accordingly, there are no objections to the principle of the development.

The increase in showroom area is unlikely to translate into a significant increase in customers visiting the store or in vehicle trips. The existing car parking and servicing facilities for the retail park would be retained for use by the proposed unit and would continue to meet the needs of the proposed unit and retail park as a whole. The Highway

Engineer considers the number of spaces being retained as acceptable for the existing and proposed floor space within the retail park.

The proposed external changes to the building, which are subject to a separate application are minor and would remain in keeping with the character and appearance of the surrounding area.

In addition, the development would not result in any detrimental impacts on the amenity of nearby residential occupiers. The development also proposes acceptable accessibility arrangements.

Subject to conditions, the proposal is considered to be acceptable and accord with the provisions of the development plan. Accordingly, approval is recommended.

## 2. **RECOMMENDATION**

**APPROVAL subject to the following:**

### 1 T8 **Time Limit - full planning application 3 years**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

#### REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

### 2 COM4 **Accordance with Approved Plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers

0500\_Rev

0501\_Rev

0502\_Rev

0503\_Rev

0503\_Rev

0515\_Rev.A

0516\_Rev

0517\_Rev.A

0518\_Rev

0519\_Rev

and shall thereafter be retained/maintained for as long as the development remains in existence.

#### REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (July 2011).

### 3 SUS1 **Energy Efficiency Major Applications (full)**

The measures to reduce the energy demand and carbon dioxide emissions of the development contained within the submitted report entitled Energy and Sustainability Statement Job No: 1010215 Doc No: 1010215-RPT-00002 Revision: A dated 22/08/2014 shall be integrated into the development and thereafter permanently retained and maintained.

#### REASON

To ensure that the development incorporates appropriate energy efficiency measures in

accordance with London Plan (July 2011) Policies 5.1, 5.3, 5.4, 5.5, 5.7, 5.9 and 5.10

**4 SUS6 Green Travel Plan**

Prior to the commencement of the development hereby permitted a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan, as submitted shall follow the current Travel Plan Development Control Guidance issued by Transport for London and will include:

- (1) targets for sustainable travel arrangements [insert desired for target(s)];
- (2) effective measures for the ongoing monitoring of the Travel Plan;
- (3) a commitment to delivering the Travel Plan objectives; and
- (4) effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

**REASON**

To promote sustainable transport and reduce the impact of the development on the surrounding road network in accordance with London Plan (July 2011) Policies 6.1 and 6.3.

**5 H16 Cycle Storage - details to be submitted**

No part of the development hereby permitted shall be commenced until details of covered and secure cycle storage for 3 bicycles have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.

**REASON**

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy AM9 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Chapter 6 of the London Plan (July 2011).

**6 NONSC Non Standard Condition**

The retail unit shall not be sub divided unless otherwise agreed in writing by the Local Planning Authority.

**REASON**

To enable the Local Planning Authority to assess the implications of the intensification of the use of the floorspace in the context of the relevant development plan policies for retail development, specifically in terms of its impact on traffic, car parking and other environmental issues.

**7 NONSC Non Standard Condition**

Development shall not commence until details of the location and dimensions of the lift to the mezzanine level have been submitted to and approved in writing by the Local Planning Authority. The approved facilities should be provided prior to the occupation of the development and shall be permanently retained thereafter.

**REASON**

To ensure that people with disabilities have adequate access to the development in

accordance with Policy R16 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and Policies 7.2 and 3.8 of the London Plan.

## **INFORMATIVES**

### **1 114 Installation of Plant and Machinery**

The Council's Commercial Premises Section and Building Control Services should be consulted regarding any of the following:-

The installation of a boiler with a rating of 55,000 - 1¼ million Btu/hr and/or the construction of a chimney serving a furnace with a minimum rating of 1¼ million Btu/hr;

The siting of any external machinery (eg air conditioning);

The installation of additional plant/machinery or replacement of existing machinery.

Contact:- Commercial Premises Section, 4W/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250190). Building Control Services, 3N/01, Civic Centre, High Street, Uxbridge, UB8 1UW (tel. 01895 250804 / 805 / 808).

### **2 115 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

### **3 125 Consent for the Display of Adverts and Illuminated Signs**

This permission does not authorise the display of advertisements or signs, separate consent for which may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992. [To display an advertisement without the necessary consent is an offence that can lead to prosecution]. For further information and advice, contact - Residents Services, 3N/04, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 250574).

### **4 152 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8

(right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **5 153 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) as incorporated into the Hillingdon Local Plan (2012) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

AM14	New development and car parking standards.
AM15	Provision of reserved parking spaces for disabled persons
AM2	Development proposals - assessment of traffic generation, impact on congestion and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R16	Accessibility for elderly people, people with disabilities, women and children
LPP 2.15	(2011) Town Centres
LPP 4.7	(2011) Retail and town centre development
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.7	(2011) Renewable energy
LPP 6.13	(2011) Parking
LPP 6.9	(2011) Cycling
LPP 7.3	(2011) Designing out crime
NPPF	National Planning Policy Framework
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

## **6 159 Councils Local Plan : Part 1 - Strategic Policies**

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control

decisions.

## **7 16 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

### **3. CONSIDERATIONS**

#### **3.1 Site and Locality**

This application relates to a large vacant retail unit, last occupied by Kiddicare, which is located within the Lombardy Retail Park. An application for the sub division of this unit (known as unit 5) into two separate units has been submitted separately and has been granted planning permission (application reference 63098/APP/2014/3080). The current application relates to the larger of these newly created units, hereafter referred to as Unit 5c.

The retail park consists of large retail warehousing units, arranged on three sides facing onto a central car park of 867 spaces, together with a decked car park on the eastern side of the retail park.

The western retail terrace (of which the application site forms part) comprises large retail units currently occupied by TK Maxx, Sports Direct, Next and Mothercare. At the northern end of the western terrace is unit 5 (the application site), with a gross internal floor area of some 3,717 sq m. This application, together with the associated applications 63098/APP/2014/3080 and 63098/APP/2014/3082 pertain to alterations to this unit. Adjacent to Unit 5 to the north is a new retail unit (Unit 5a), occupied by JD Sports.

The northern side of the Retail Park is occupied by 4 smaller retail units, occupied by Costa, Game, O2 and Carphone Warehouse. The eastern side of the retail park is occupied by a large Sainsbury's superstore (which comprises a large element of comparison goods sales) and a decked car park.

The retail park is accessed by two separate vehicular entrances. The main access is from Uxbridge Road, which leads directly into the central car parking area. The secondary access is from Coldharbour Lane, which also provides access to McDonalds, Pizza Hut and the petrol filling station located on the western boundary of the retail park. Lombardy Retail Park is located within the Uxbridge Road Town Centre as indicated on the adopted Unitary Development Plan Proposals Map.

The last occupier of Unit 5, Kiddicare, vacated the unit in September 2014.

#### **3.2 Proposed Scheme**

This application seeks full planning permission for the construction of a 2,415.5 sq. m. mezzanine within the newly created Unit 5c. On completion, Unit 5c would therefore comprise a gross floorspace totalling 5,182.5 sq.m.

Unit 5c is to accommodate a Next store, relocated and amalgamated from existing Next stores at Unit 3 Lombardy Retail Park and Hayes Bridge Retail Park. The surplus space

after accommodating Next's requirements results in the creation of Unit 5b.

The newly proposed Next home and fashion store will have a net sales area of 3,602 sq.m, an uplift of 1,047 sq m net over the two existing units to be amalgamated. The remaining floorspace within the new unit (1,585 sqm) will be used as storage, back of house and staff facilities.

The applicants submit that increase in sales space will provide a larger area to display existing product ranges. The home range will be the majority range within the expanded store and no new product ranges will be introduced over those already sold by Next at the Lombardy Retail Park. The proposed large Next home and fashion store will also incorporate an ancillary cafe (115 sq m net) on the mezzanine, for the use of their customers.

The application is supported by two reports that assess the impact of the proposal. A summary and some key conclusions from these reports are provided below:

- Transport Statement

This report considers the impact of the proposed development on the local road network. It concludes that the level of additional traffic as a result of the development will be insignificant in comparison with baseline conditions. There will therefore be a negligible impact on traffic flows on the surrounding road network. Parking provision on the existing retail park is sufficient to accommodate the predicted demand for on site parking, as a result of the development proposals.

- Energy Statement

The statement sets out the principal objectives to to reduce the site's contribution to the causes of climate change by minimising the emissions of CO2, by reducing the site's needs for energy and providing some of the requirement by renewable or sustainable means.

An application for a mezzanine within the new Unit 5b of 697 sq m GIA has been submitted separately.

### **3.3 Relevant Planning History**

63098/APP/2014/3080 Unit 5, Lombardy Retail Park Coldharbour Lane Hayes

Subdivision of existing retail unit, re-cladding of unit, removal of existing entrance canopy, creation of new entrances and other associated external alterations, reconfiguration of car parking space

**Decision:**

63098/APP/2014/3082 Unit 5, Lombardy Retail Park Coldharbour Lane Hayes

Installation of mezzanine within existing retail unit.

**Decision:**

#### **Comment on Relevant Planning History**

The site has an extensive planning history. Relevant history is provided below:

- 40601/APP/2004/502 approved in May 2004 for:

Redevelopment of existing retail provision to provide an extension to the supermarket (class A1), a new retail unit above a supermarket extension class A1), re-positioned and enlarged DIY warehouse with mezzanine and garden centre (class A1), two retail warehouse units (class A1), two retail warehouse units with mezzanines, two shop units (class A1), reconfigured car park (part-decked), repositioned bus stop, landscaping and associated works (involving the demolition of existing non-food warehouse).

· 40601/APP/2006/1774 granted in June 2006 for:

Construction of mezzanine floorspace to units 4 and 5. Amendment to planning permission reference 40601/APP/2004/502 dated 10 May 2004: Redevelopment of existing retail provision, reconfiguration of car park, repositioned bus stop, landscaping and associated works.

· 40601/APP/2007/3759 granted in May 2008 for:

Variation of Condition 32 of planning permission 40601/APP/2004/502 dated 10 May 2004 to allow subdivision of units 6 and 7 to create four separate units, together with alterations to the elevations and service yard.

· In November 2010, a Certificate of Lawfulness was issued under application reference 63098/APP/2010/2157 in relation to unit 5, the current application unit:

Internal reconfiguration to provide mezzanine floorspace [929 sq m].

· 63098/APP/2010/2284 granted in December 2010 in respect of Unit 5 for:

Alterations to existing facade and to windows and doors to side and conversion of existing external garden centre, two additional car parking spaces (involving demolition of existing canopy to site).

· An application for a Certificate of Lawful Existing Use or Development (CLEUD) was submitted in March 2012 under application reference 63098/APP/2010/808 to certify in relation to the application unit:

The use of Unit 6 [now known as Unit 5], Lombardy Retail Park as A1 retail premises without restriction on the range of goods that can be sold.

The application was refused by the Council in May 2012. The applicants appealed against the refusal and the CLEUD was issued following an appeal in December 2012.

· 62438/APP/2012/2591 granted in January 2013 for an extension to the existing mezzanine in Unit 2 by 584 sq m GIA

· 40601/APP/2013/1243 granted in July 2013 for a new retail unit (5a) to the north of Unit 5

#### **4. Planning Policies and Standards**

##### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.E5 (2012) Town and Local Centres

PT1.EM1 (2012) Climate Change Adaptation and Mitigation

Part 2 Policies:

AM14 New development and car parking standards.

AM15 Provision of reserved parking spaces for disabled persons

AM2 Development proposals - assessment of traffic generation, impact on congestion



	and public transport availability and capacity
AM7	Consideration of traffic generated by proposed developments.
AM9	Provision of cycle routes, consideration of cyclists' needs in design of highway improvement schemes, provision of cycle parking facilities
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
R16	Accessibility for elderly people, people with disabilities, women and children
LPP 2.15	(2011) Town Centres
LPP 4.7	(2011) Retail and town centre development
LPP 5.1	(2011) Climate Change Mitigation
LPP 5.7	(2011) Renewable energy
LPP 6.13	(2011) Parking
LPP 6.9	(2011) Cycling
LPP 7.3	(2011) Designing out crime
NPPF	National Planning Policy Framework
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **17th October 2014**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

The proposal has been advertised as a major application and 50 nearby owner/occupiers have been consulted individually. Site notices were posted on the site. No responses have been received in relation to the consultation.

LONDON BOROUGH OF EALING - No response.

### Internal Consultees

ACCESS OFFICER

Unit 5 is located on the Lombardy Retail Park, which leads from Ossie Garvin Roundabout, Uxbridge

Road. The proposal is to sub-divide unit 5 and create separate unit entrances to meet future retail demand, provide additional car parking spaces and install a mezzanine within the existing retail unit with ancillary customer cafe.

Having evaluated the submitted plans, it would seem that the proposed mezzanine floor would not be accessible by lift, and thus would exclude people with a mobility impairment. The provision of an enclosed platform lift would suffice.

Conclusion: Revised plans which detail lift access to the proposed mezzanine should be requested prior to any grant of planning permission.

(Officer note: Revised plans have been submitted showing a passenger lift to the mezzanine level. In addition, the Design and Access Statement accompanying the associated application for the sub division of Unit 5 states that access to any future mezzanine floors will be via stairs and passenger lifts. This can be secured by condition in the event of an approval).

## HIGHWAY ENGINEER

The development is for the provision of a mezzanine floor(s) to create additional retail floor space in units 5B and 5C. Units 5B and 5C will be created as part of the subdivision of the existing building and implemented following the grant of planning consent under planning application reference 63098/APP/2014/3080.

It is understood, at present, unit 5B has not yet been allocated to any specific operator and unit 5C (subject to this application), will be occupied by the retailer Next. Following the sub division, both units will continue to operate under the A1, non-food Use Class. Under the proposals, it is noted that no additional cycle parking above that of the existing use at the site will be provided. However, as part of planning application reference 63098/APP/2014/3080, the existing car parking area adjacent to the building will be reconfigured, resulting in 2 additional parking spaces being provided.

There are no proposals to alter the means of access to the site in relation to either customers or servicing vehicles.

When considering the development, it is noted that a Transport Statement (TS) has been submitted in support of the proposals. The TS has undertaken assessment of the likely trip generation as a result of the development, which has demonstrated that any increase in traffic is unlikely to have a material impact along the adjacent highway.

In addition, an assessment of the existing and future parking demand and available capacity has been undertaken in relation to the retail park as a whole. This has identified that the increased demand for car parking can be accommodated within the site.

Therefore, provided that the details below are provided under a suitably worded planning condition or S106 agreement, it is considered that the development would not be contrary to the Policies of the adopted Hillingdon Unitary Development Plan, 2012 (Part 2) and an objection is not raised in relation to the highway aspect of the proposals.

### Conditions/S106 Agreement

A Travel Plan is required to be submitted to and approved in writing by the LPA before occupation of each unit and thereafter, maintained and retained for the lifetime of the development. The Travel Plan shall identify initiatives to encourage sustainable modes of travel to and from the site, including by public transport, walking, cycling and car sharing.

The development shall not be occupied until the details of provision for 5 cycle parking spaces have been submitted and agreed by the LPA. Thereafter, the proposed cycle parking provision shall be maintained and retained at all times for the occupants of the site.

## SUSTAINABILITY OFFICER

The 600m2 unit (Unit 5b) does not require an energy assessment as it is not a major application.

The larger unit 5c requires an energy assessment which in this instance is adequate. There are complexities to refurbishments which require leniency. In general, it is better to improve and update existing building stock, as this reduces the need for new builds. However, there are limitations in terms of energy efficiency, due to the lack of building work. For example, the supporting structure will remain unchanged which reduces the ability to alter services, such as heating and cooling. It also reduces the ability to improve insulation and window efficiency. As a consequence, the energy assessment in this instance is acceptable and should be conditioned as part of any subsequent approval, to ensure the final details and specifications are agreed prior to commencement.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

The application site is located within the Lombardy Retail Park which is allocated on the adopted UDP Proposals Map as falling within the Uxbridge Road Town Centre.

Paragraph 17 of the NPPF sets out a number of key principles that should underpin decision-taking. These include the need to proactively support sustainable economic development. Paragraph 19 of the NPPF makes clear that planning decisions should operate to encourage sustainable growth and that significant weight should be placed on the need to support economic growth through the planning system.

Section 2 of the NPPF deals specifically with the vitality of town centres. Paragraph 23 states that it is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Paragraph 24 of the NPPF states that planning authorities should apply a sequential test to planning applications and main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Paragraph 24 also states that the sequential assessment requires applications for main town centre uses to be located in town centres, then in edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered. The site is within an allocated town centre, so a sequential assessment is not therefore required in this case, in accordance with the NPPF.

Paragraph 26 of the NPPF sets out the circumstances under which an Impact Assessment should be undertaken to accompany proposals for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan. An Impact Assessment is not required on the basis that the site is located within a town centre.

Policy 2.15A of the London Plan states that Boroughs should co-ordinate the development of London's town centre network so they provide:

- The main foci beyond the Central Activities Zone for commercial development and intensification;
- The structure for sustaining and improving a competitive choice of goods and services accessible by public transport, walking and cycling; and
- The main foci for most Londoners' sense of place and local identity.

Policy 2.15C of the London Plan states that development proposals within town centres should conform with policies 4.7 and 4.8 of the plan and:

- Sustain and enhance the vitality and viability of the town centre;
- Accommodate economic growth through intensification in appropriate locations;
- Support and enhance the competitiveness, quality and diversity of town centre retail uses;
- Be in scale with the centre; and
- Promote access by public transport, walking and cycling.

Policy 4.7B of the London Plan states that the following relevant principles should be applied to planning decisions:

- The scale of retail, commercial, culture and leisure development should be related to the size, role and function of the town centre and its catchment; and
- Retail development should be focussed on sites within town centres.

In summary the London Plan states that town centres should be the main foci of new retail development outside the Central Activities Zone, and that retail uses should be intensified in appropriate locations to accommodate economic growth and of an appropriate scale to the centre. The London Plan and NPPF also support proposals that improved the quality of the range of retail facilities available to consumers. It is considered that the proposal complies with the aims of national and London Plan aspirations in this respect.

In terms of local policy, Strategic Objective SO16 of the Local Plan is to manage appropriate growth, viability and regeneration of town and neighbourhood centres. The Local Plan Part 1 allocates Uxbridge Road Town Centre as a 'Minor Centre'. Paragraph 5.42 of the Local Plan states that additional comparison goods floorspace will be accommodated within the existing town centre boundaries. The Local Plan does not propose any changes to the town centre boundaries as set out on the adopted UDP.

Policy E5 of the Local Plan states that the Council will improve town and neighbourhood centres across Hillingdon. The supporting text states that Policy E5 will be delivered by applying national policy and that increases in retail floorspace will be achieved through the redevelopment of existing sites, refurbishment of existing units or the intensification of floorspace. Therefore the proposal unit complies with Policy E5 in this respect.

The application proposals will provide additional retail floorspace within the centre to allow an existing retailer to expand their premises and will therefore improve the quality and range of retail facilities available to customers. The additional floorspace proposed represents a small proportion of the total floorspace in the town centre, and will be provided within an existing building. It is therefore not considered to represent a disproportionate scale of development.

In addition, the proposals as a whole will generate substantial planning benefits in the form of approximately 36 new jobs.

With regard to the type of goods that can be sold from Unit 5, a recent appeal decision removed the restriction on the range of goods that can be sold from the unit. However, a covenant exists on Lombardy Retail Park, which prohibits another food retailer from operating from the park for so long as Sainsbury's are in operation. The presence of the existing Sainsbury's supermarket at the retail park will ensure that that Unit 5c will continue to operate under the A1, non-food goods restriction. In addition, given the excess number of parking spaces and the town centre location of the site, it is considered that a condition restricting the use of the unit to non-food uses is not required in this instance.

The National Planning Policy Framework and the London Plan requires main town centre uses, such as retail units, to be located within town centres. The proposed retail floorspace would be located within a town centre and would be in accordance with the NPPF, Policy 4.7 of the London Plan and Part 1 Policy E5 of the Hillingdon Local Plan (November 2012). No objections are therefore raised to the principle of the development in this location.

**7.02 Density of the proposed development**

The proposal seeks a permission for a retail unit. Considerations relating to residential density are therefore not relevant.

**7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The proposed development would not involve any groundworks and accordingly would not result in any detrimental impacts on archaeology.

The proposal is not within a Conservation Area, Area of Special Local Character or located in proximity to any Listed Buildings.

**7.04 Airport safeguarding**

The proposal would not conflict with airport or aerodrome safeguarding criteria.

**7.05 Impact on the green belt**

The application site is not located within, nor is it conspicuous from any land within the Green Belt.

**7.07 Impact on the character & appearance of the area**

The proposed mezzanine floor would be constructed within the existing building envelope of Unit 5. The external physical alterations proposed as part of the sub-division of Unit 5 are dealt with as part of a separate application on this agenda and do not fall within the remit of this application. Nevertheless, the external alterations are minor and it is considered the retail unit would remain in keeping with the design and character of the existing retail park and would have an acceptable impact on the street scene. Therefore, the development is considered to comply with Part 1 Policy BE1 and Part 2 Policies BE13, BE15 & BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.08 Impact on neighbours**

With regard to impact on residential amenity, since the proposed mezzanine does not involve any external alterations, the proposed development will not have a visual impact on nearby residential properties in terms of loss of light, loss of outlook, overshadowing or loss of privacy.

In terms of additional traffic/shoppers attracted to the retail park, the application site is within an established retail location where there are sufficient car parking facilities and also existing arrangements for accessing the site. In addition, the proposed retail unit would be located over 64 metres from the nearest residential dwelling, No.44 Devonshire Way, which is located on the opposite side of Uxbridge Road. At this distance from the nearest residential dwelling, the proposal is considered to cause no significant noise pollution to the occupiers of this, or any other residential dwelling.

Therefore, the development is considered to comply with Policies BE20, BE21, BE24 & OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

**7.09 Living conditions for future occupiers**

Not applicable to this application as there is no residential component.

**7.10 Traffic impact, Car/cycle parking, pedestrian safety**

ACCESS AND TRAFFIC GENERATION

Following the subdivision into two units a total of 3,112.5sqm of mezzanine is proposed between the two units 5b and 5c, representing an 84% increase in floor space. The mezzanine subject to this application will produce a maximum of 2,415.5 m2 sqm floor space.

The accompanying Transport Statement concludes that the proposal for additional floor space will not have an unacceptable impact on the local highway network. The Transport Statement submitted in support of the application notes that the increase in floor space is not expected to produce an increase in trading on a pro rata basis, and by extension trips to the store, as in practice a proportion of these trips to the Unit 5 floor space will be from customers already visiting the retail park in any event.

In terms of additional traffic/shoppers attracted to the retail park, the application site is within an established retail location where there are sufficient car parking facilities and also existing arrangements for accessing the site via public transport. In addition, the additional floorspace would be serviced by the existing service yard at the rear of the unit, which benefits from large open vehicular circulation routes.

The Highway Engineer has reviewed the proposed traffic generation and advises that the nature of the use is such that there will not be any significant impacts on road safety or congestion.

The Highway Engineer therefore raises no objection to the proposal on traffic generation grounds, subject to the submission of a Travel Plan.

Overall, it is considered that the increase in floor space is unlikely to translate into a significant increase in customers visiting the store or in vehicle trips. In terms of traffic generation and access arrangements, the development is therefore considered to comply with Policies AM2 and AM7 of the Hillingdon Local Plan (November 2012).

## PARKING

In terms of car parking arrangements, the Lombardy Retail Park provides 869 car parking spaces, including those set aside for disabled access and 6 brown badge spaces. It is intended as part of the proposals for the sub division of Unit 5, that 2 additional car parking bays are provided. An assessment of the existing and future parking demand and available capacity has been undertaken in relation to the retail park as a whole. This has identified that the increased demand for car parking can be accommodated within the site.

## Cycle/Pedestrian Facilities

Currently the Retail Park benefits from cycle parking which is located throughout the park. The retail park is also accessible by workers and shoppers by foot with pavements linking the site to Uxbridge Road and nearby bus stops. The Highway Engineer has recommended the provision for 3 additional cycle parking spaces to cater for the increased floorspace. This can be secured by condition, in the event of an approval.

## CONCLUSION

Overall, the increase in the floorspace for Unit 5c taking into account the cumulative impact of the increased floor space within Unit 5b is not considered to result in a requirement for additional parking or result in a significant increase in traffic generation.

Subject to conditions requiring the submission of a travel plan and details of additional cycle storage the proposal is considered to be in compliance with Policy AM7, AM9 and AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.11 Urban design, access and security**

Issues relating to design and accessibility are addressed elsewhere within this report.

It is not considered that the proposal would have any implications in relation to security issues.

#### **7.12 Disabled access**

The Equality Act 2010 seeks to protect people accessing goods, facilities and services from direct discrimination on the basis of a protected characteristic, which includes those with a disability. As part of the Act, service providers are obliged to improve access to and within the structure of their building, particularly in situations where reasonable adjustment can be incorporated with relative ease.

Policies 7.2 and 3.8 of the London Plan provide that developments should seek to provide the highest standards of inclusive design and this advice is supported by the Council's Supplementary Planning Document - Accessible Hillingdon.

The mezzanine level proposed as part of this application will be accessible for all users including wheelchair users and parents with pushchairs, as the additional retail floorspace will be accessed via a lift as well as a staircase. Details of the lift could be secured by appropriately worded condition. Subject to this condition, it is considered that the proposal would comply with Policies 7.2 and 3.8 of the London Plan and the Accessible Hillingdon SPD.

#### **7.13 Provision of affordable & special needs housing**

Not applicable to this application as there is no residential component

#### **7.14 Trees, landscaping and Ecology**

No existing landscaping is affected by the new building proposal. Existing landscaping on the boundaries of the retail park and within the existing car park lies outside of the application site and is located at such a distance that it would not be impacted on by the limited level of physical works proposed.

It is considered that the existing level of landscaping within the wider retail park is sufficient and it is not considered that the level of physical alterations proposed would necessitate provision of any additional landscaping within the wider retail park. Accordingly, it is considered that the proposal would comply with Policy BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

#### **7.15 Sustainable waste management**

The proposals waste and recycling would be accommodated in a similar manner to those of the previous occupier of the unit. There would be adequate space for the provision of facilities for the storage of waste and recycling either within the existing service yard to the rear of the building or within the building itself. Accordingly, the proposal is considered to comply with relevant policies in the the London Plan.

#### **7.16 Renewable energy / Sustainability**

Sustainability policy is now set out in the London Plan (2011), at Policy 5.2. Part A of the policy requires development proposals to make the fullest contribution to minimising carbon dioxide emissions by employing the hierarchy of: using less energy; supplying energy efficiently; and using renewable technologies. Part B of the policy currently requires nondomestic buildings to achieve a 40% reduction from a 2010 Building Regulations

compliant development. Parts C, D of the policy require proposals to include a detailed energy assessment.

A Sustainability Statement has been submitted in support of the associated application for a mezzanine floor in Unit 5c. The Energy and Sustainability Statement indicates that energy efficiency measures associated with the development as a whole show an improvement of 34.1% over the Building Regulations minimum requirements.

An analysis of renewable technologies has identified Air Source Heat Pumps as the most appropriate technology. This results in a potential further reduction of 3.0% in the development's regulated emissions. The design of the refurbishment minimises overheating in summer and increases passive gains in winter. Low energy lighting and efficient control systems (e.g. water) will further reduce energy wastage.

Subject to compliance with a condition requiring the implementation of the measures contained within the submitted Sustainability Statement, it is considered that the scheme will have satisfactorily addressed the issues relating to the mitigation and adaptation to climate change and to minimising carbon dioxide emissions, in compliance with Policies 5.2, 5.13 and 5.15 of the London Plan, Policy PT1.EM1 of Hillingdon Local Plan Part 1 and the NPPF.

#### **7.17 Flooding or Drainage Issues**

The proposal would not alter the footprint of the existing building or the level of hardstanding and accordingly would not serve to worsen floor risk or increase surface water run off from the existing situation.

#### **7.18 Noise or Air Quality Issues**

##### **NOISE**

The proposal would not alter the use or servicing arrangements from those of the existing retail unit, which is located approximately 64 m from the nearest residential property. Since the unit will be subject to the same operational restrictions that are applied to the wider retail park, it is not considered that the proposal would give rise to any detrimental impacts by way of noise. Accordingly the proposal would comply with Policies OE1 and OE3 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) in this respect.

##### **AIR QUALITY**

The London Plan, Policy 7.14, supports the need for development to be at least air quality neutral and not lead to further deterioration of existing poor air quality.

The proposed development is within the declared AQMA. However, the proposal is not considered to give rise to any significant additional traffic generation as discussed in the traffic impact section of this report. Accordingly, it would not result in any significant detriment to local air quality and would comply with policy OE1 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), Policy 7.14 of the London Plan and the Council's Air Quality SPG.

#### **7.19 Comments on Public Consultations**

No comments have been received.

#### **7.20 Planning obligations**

The proposal would not give rise to any impacts which would need to be mitigated by way of planning obligations.

#### **7.21 Expediency of enforcement action**



Not Applicable.

## **7.22 Other Issues**

None.

## **8. Observations of the Borough Solicitor**

### General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

### Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

### Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

### Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the

circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

**9. Observations of the Director of Finance**

Not applicable.

**10. CONCLUSION**

The proposal is considered to satisfy the requirements of national, regional and local policy in retail terms. Accordingly, there are no objections to the principle of the development.

The application proposals comprise the internal refurbishment of a retail unit, which in itself will reduce carbon emissions over a new build development of a similar size. The proposals seek to bring back into economic use a vacant unit, which will improve the character, quality and inclusiveness of the Retail Park within the locality. The proposal will have a positive impact on the economic and physical environment and regeneration of the area, as well as having a positive impact on local employment, and will increase economic output.

The proposed external amendments are minor and would remain in keeping with the character and appearance of the surrounding area. The development would not result in any detrimental impacts on the amenity of nearby residential occupiers, and acceptable accessibility arrangements could also be secured by way of condition.

The development would not result in any significant increase in traffic generation, whilst the existing car parking and servicing facilities for the retail park would be retained for use by the proposed unit and would continue to meet the needs of the proposed unit and retail park as a whole.

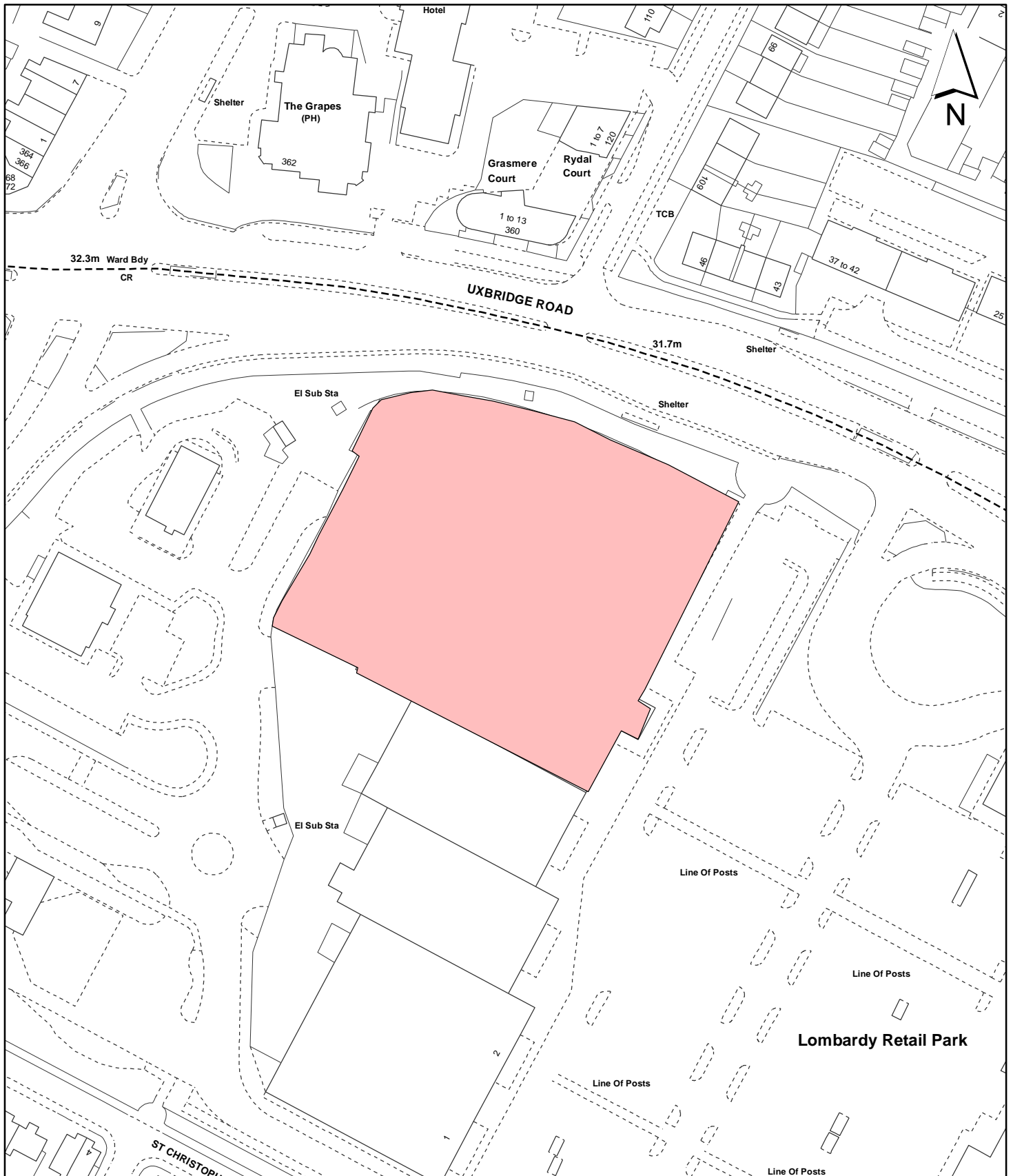
Overall, subject to conditions, the proposal is considered to be acceptable and accord with the provisions of the development plan. Accordingly, approval is recommended.

**11. Reference Documents**

The Hillingdon Local Plan: Part 1- Strategic Policies (8th November 21012)  
Hillingdon Local Plan: Part 2 - Saved UDP Policies (November 2012)  
London Plan 2011  
National Planning Policy Framework (NPPF)  
The Greater London Authority Sustainable Design and Construction (2006)  
Council's Supplementary Planning Guidance - Community Safety by Design  
Council's Supplementary Planning Document - Air Quality  
Hillingdon Supplementary Planning Document: Accessible Hillingdon January 2010)

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<p><b>Notes</b></p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2014 Ordnance Survey 100019283</p>	<p>Site Address</p> <p align="center"><b>Unit 5, Lombardy Retail Park Coldharbour Lane Hayes</b></p>		<p align="center"><b>LONDON BOROUGH OF HILLINGDON</b></p> <p align="center"><b>Residents Services Planning Section</b></p> <p align="center">Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p align="center"><b>63098/APP/2014/3081</b></p>	<p>Scale</p> <p align="center"><b>1:1,250</b></p>	
	<p>Planning Committee</p> <p align="center"><b>Major</b></p>	<p>Date</p> <p align="center"><b>November 2014</b></p>	